Extent

205 folders, approximately 9,457 pages

Summary

This collection consists of records related to the War Powers Resolution. It contains policy papers, memoranda, and multiple reports and updates routed from the Clinton Administration to both houses of Congress. The collection also includes numerous cables, emails and administrative papers related to the reporting requirements of the Resolution.

Scope and Content Note

The materials in FOIA 2008-0995-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related material. FOIA 2008-0995-F consists of records concerning the Clinton Administration's interaction with Public Law 93-148, known as the "War Powers Resolution." After the long undeclared wars of Korea and Vietnam, Congress passed the War Powers Resolution (WPR) over President Nixon's veto on November 7, 1973. The resolution required the President to inform Congress within 48 hours of troop deployment and that the action be terminated within 60 days, absent a Congressional authorization of the use of force. Though its stated purpose was "to fulfill the intent of the framers of the Consitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations," every President since its passage has held it as an unconstitutional infringement on his Constitutional authority as Commander in Chief of the Armed Forces.1 The Clinton Administration sent many reports to Congress regarding involvement of American forces in numerous peacekeeping and security operations including Somalia, Haiti,

Bosnia, Afghanistan, Iraq, Kosovo, and the response to the U.S.S. Cole bombing. However, the letters sent to Congressional leadership within 48 hours of force movement were carefully stated as “consistent with” the WPR rather than “in compliance to.” The legal struggle over the WPR between the Administration and Congress reached its peak during the conflict in Kosovo in 1999. President Clinton notified Congress on March 26, 1999 that U.S. and NATO forces had begun airstrikes in response to the violence against the ethnic Albanians in Kosovo. In response, a group of Congressmen led by Representative Tom Campbell filed a lawsuit against the President in the District of Colombia, alleging that he had violated the War Powers Resolution. The District Court found that the plaintiffs’ suit lacked standing on June 9. In February 2000, the appeals court upheld the decision. In October of that year, the United States Supreme Court declined to hear the case, effectively ending the lawsuit. During the Clinton Administration, there were efforts to amend the War Powers Resolution. On May 3, 1994, in Presidential Decision Directive 25, President Clinton communicated his support for a 1989 proposal to create a consultative mechanism and eliminate the 60-day clock in the WPR. Some members in the 104th, 105th, and 106th Congresses attempted legislation to either amend or replace the law. However, all of these efforts were unsuccessful. The WPR continues to be a source of disagreement between the Executive and Legislative branches of the United States government. In the Defense Policy and Arms Control directorate of the National Security Council (NSC), Donald Gross’s files contain a memo regarding a potential Congressional authorization of activities in Somalia under the War Powers Resolution. The Automated Records Management System (ARMS) (WHO) contain many emails concerning the Administration’s Position on the War Powers Resolution, “APNSA Berger’s Address top Mayor’s Summit on Africa,” “The Clinton Administration’s Policy on Reforming Multilateral Peace Operations,” and “The Clinton Administration’s Policy on Managing Complex Contingency Operations.” However, WHO emails also contain many samples of the letters from the President to Congress “consistent” with the WPR. The Automated Records Management System (ARMS) and Tape Restoration Project (TRP) NSC emails, dating from January 1997 through August 2000, contain legislative updates, interview transcripts, and articles that discuss the WPR. Relevant press guidance is located both within these emails, as well as in the NSC Cables. The NSC Cables date from June 1993 through May 2000. The NSC Emails, which date from June 1993 through January 2001, include draft correspondence and discussions regarding Congressional proposals to amend the WPR, as well as its overall constitutionality. Draft reports to Congress

“consistent with” the WPR and related press guidance may also be found in the emails. Official drafts of these reports to Congress are located within the NSC Records Management numbered documents. The White House Office of Records Management (WHORM) Subject Files and files from the Clerk’s Office include memoranda from the National Security Council informing the President of reporting “requirements” of the War Powers Resolution and draft language of letters to the Speaker of the House and President Pro Tempore of the Senate, for each instance where the armed forces of the United States 1 War Powers Resolution, Pub. L. No. 93-148, 87 Stat. 555 (1973); Richard F. Grimmett, War Powers Resolution: Presidential Compliance (CRS Report No. RL33532) (Washington, DC: Congressional Research Service, 2012), were “introduced into the territory, airspace, or waters of a foreign nation, while equipped for combat”. There are also memoranda and draft language for semiannual reports to Congress for situations, such as in Bosnia, where the armed forces of the United States remained “engaged in such hostilities or situations”. While the Clinton administration has consistently maintained that the War Powers Resolution is unconstitutional, there was considerable effort made to meet the deadlines imposed by the WPR.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in these collection areas— Clinton Presidential Records: White House Office of Records Management (WHORM), Clinton Presidential Records: White House Staff and Office Files, Clinton Presidential Records: ARMS Emails, Clinton Presidential Records: TRP Emails, and Clinton Presidential Records: NSC Cable, Email, and Records Management Systems. The White House Office of Records Management (WHORM) contains a variety of series created to organize and track documents and correspondence. The WHORM Subject file was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. Staff and Office files were maintained at the folder level by staff members within their individual offices and document all levels of administration activity. WHORM files are

processed at the document level; whereas, Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area. The Automated Records Management System (ARMS) is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential email. The ARMS database is comprised of six sub-series of email records called "buckets." The buckets generally represent a specific White House office. The buckets are titled: NPR for National Performance Review, OPD for Office of Policy Development, POTUS for President of the United States, WHO for White House Office, CEA for Council of Economic Advisers, and Default for emails not associated with an office. WHO bucket contains email created or received by individual with an Executive Office of the President White House user account not identified as CEA, NPR, or OPD. ARMS email are arranged by topic, there-under by bucket, and there-under chronologically by creation date. The Tape Restoration Project (TRP) is a database consisting of restored emails from the Automated Records Management System (ARMS) from July 1994 through June of 2000. The TRP is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential record email. The TRP database is comprised of the same six sub-series of email as in ARMS. TRP email are arranged by topic, there-under by bucket, and there-under chronologically by creation date. FOIA 2008-0995-F includes WHORM records from these subject codes: FE002-01 Federal Government, Presidential Powers FG006-04 Federal Government Offices, Counsel to the President ND016 National Security, Wars – Conflicts.

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22, as amended) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed by

Staff Archivist, 2015. Previously restricted materials are added as they are released.

Last Modified Date

2015-12-31

Container List

View all digitized files in the National Archives Catalog (NAC)

The following is a list of documents and folders processed in response to FOIA 2008-0995-F:
Box 1
Clinton Presidential Records: WHORM: Subject File
Category Case Number
FE002-01 012320SS
FE002-01 022413SS
FE002-01 025466SS
FE002-01 025821SS
FE002-01 039492SS

FE002-01 041016SS
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FE002-01 406424
FE002-01 417632
FE002-01 420858
FG006-04 099641CU [War Powers Resolution]
ND016 007313
ND016 106617
ND016 311085SS
Clinton Presidential Records: White House Staff and Office Files
Clerk’s Office
General Files
[Memoranda for the President – Congressional Medal of Honor and U.S. Forces in Bosnia]: [War Powers Resolution] [OA/ID 20885]
[Memoranda for the President – Cyprus, Madrid Agreement, North Korean Agreement,
U.S. Forces in Yemen, 2000 Combined Federal Campaign Chair, and Taliban Sanctions [2]: [War Powers Resolution] [OA/ID 20370]
[Memorandum for the President, July – October 2000] [1]: [War Powers Resolution] [OA/ID 20371]
[Memoranda November and December 2000] [4] [OA/ID 20375]
National Security Council
Defense Policy and Arms Control
Bell, Robert
War Powers Resolution, February 1993 [OA/ID 742]
Clinton Presidential Records: Automated Records Management System [Email]
WHO [OA/ID 500000]
[War Powers Resolution]

[04/14/1993 – 07/14/1997]
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[08/24/2000 – 12/18/2000]
Clinton Presidential Records: Automated Records Management System [Email] (continued)
NSC [OA/ID 1200000]
[War Powers Resolution]
[01/21/1997 – 03/19/1998]
[03/05/1999 – 08/30/2000]
Clinton Presidential Records: Tape Restoration Project (TRP) [Email]
NSC [OA/ID 1200000]
[War Powers Resolution]
[03/02/1999]
Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Cables
Jan 1993-Dec 1994 [OA/ID 505000]
[War Powers Resolution]
[06/29/1993 – 09/12/1994]
Jan 1995-Dec 1996 [OA/ID 510000]
[War Powers Resolution]
[10/20/1995 – 12/04/1996]
Jan 1997-Dec 1998 [OA/ID 520000]
[War Powers Resolution]
[08/21/1998 – 12/18/1998]
Jan 1999-Dec 2000 [OA/ID 530000]
[War Powers Resolution]
[02/12/1999 – 05/20/2000]
NSC Email
A1-Record (Jan 93-Sept 94) [OA/ID 570000]
[War Powers Resolution]
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Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
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Exchange-Record (Sept 97-Jan 01) [OA/ID 620000]
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Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)

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